

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT (PCT Article 36 and Rule 70)

Applicant's or agent's file reference A3232.WO204	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/IB 03/05843	International filing date (<i>day/month/year</i>) 08.12.2003	Priority date (<i>day/month/year</i>) 20.12.2002
International Patent Classification (IPC) or both national classification and IPC B65C9/06		
Applicant AZIONARIA COSTRUZIONI MACCHINE AUTOMATICHE...		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

I ☒ Basis of the opinion

II ☐ Priority

III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

IV ☐ Lack of unity of invention

V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

VI ☐ Certain documents cited

VII ☐ Certain defects in the international application

VIII ☐ Certain observations on the international application

Date of submission of the demand 01.06.2004	Date of completion of this report 12.11.2004
Name and mailing address of the international preliminary examining authority: <div style="display: flex; align-items: center;"> <div> European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016 </div> </div>	Authorized Officer Martínez Navarro, A. Telephone No. +31 70 340-2876



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International application No. **PCT/B-03/05843**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-7 as originally filed

Claims, Numbers

1-11 as originally filed

Drawings, Sheets

1/2, 2/2 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

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- 5.- ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	3,5-9
	No: Claims	1,2,4,10,11
Inventive step (IS)	Yes: Claims	
	No: Claims	1-11
Industrial applicability (IA)	Yes: Claims	1-11
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial
applicability; citations and explanations supporting such statement**

V.2.1 Reference is made to the following documents:

D1: DE 201 15 480 U (HEUFT SYSTEMTECHNIK GMBH) 16 May 2002
(2002-05-16)

D2: EP-A-1 197 468 (ROBINO & GALANDRINO SPA) 17 April 2002 (2002-
04-17)

D3: DE 199 27 668 A (KRONES AG) 28 December 2000 (2000-12-28)

D4: FR-A-2 342 207 (KRONSEDER HERMANN) 23 September 1977
(1977-09-23)

V.2.2 The present application does not meet the criteria of Article 33(1) PCT,
because the subject-matter of claims 1,2,4,10 and 11 is not new in the sense
of Article 33(2) PCT.

V.2.2.1 The document **D1** discloses (the references in parentheses applying to this
document):

A labelling machine (figure 1) comprising a feed conveyor (22) rotatable
about a vertical axis and equipped peripherally with a plurality of pedestals
(24) supporting single containers; drive means associated respectively with
the conveyor (22), by which the containers are directed along a
predetermined conveying path, and with the single pedestals (24) in such a
way that each pedestal can be driven in rotation about a respective vertical
axis (step motor 32); applicator means (26) occupying positions along the
predetermined conveying path; and means (18) by which to detect and
control the angular position of the containers, wherein the detection and
control means comprise at least one CCD image sensor (page 6, line 2)
capable of detecting and recognizing predetermined outlines (12) presented
by the containers.

V.2.2.2 In the same way, D1 also discloses the subject-matter of claims 2,4,10 and
11 (equivalent to claim 10); and D2 discloses the subject-matter of claims 1
and 2.

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- V.2.3 Furthermore, the subject-matter of claims 3 and 5 to 9 does not appear to involve an inventive step in the sense of Article 33(3) PCT. The additional features of claims 3, 8 and 9 are obvious and essential features of the invention, needed to command the pedestal positions and the labeling action. Document D3 destroys the inventivity of claim 5, and claims 6 and 7 refer to customary features of a bottling machine (see e.g. D4).
